MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2018/2019 SESSION

UAL2612 – ADMINISTRATIVE LAW

(All Sections / Groups)

27 MAY 2019
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Answer **ONE** question in **PART A** and **ALL** questions in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Rules of Court 2012
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ONE (1) QUESTION ONLY

QUESTION 1

Discuss the range of procedural requirements imposed on decision-makers by the administrative law principles of natural justice. Make reference to the necessary case laws.

(Total: 25 marks)

QUESTION 2

Discuss the advantages and disadvantages of proportionality as a ground for judicial review as compared to the *Wednesbury* unreasonableness (*Associated Provincial Picture Houses Ltd. v Wednesbury Corporation [1948] 1 KB 223).*

(Total: 25 marks)

PART B: ANSWER ALL QUESTIONS

QUESTION 3

The Industrial Relations Act 1967 Section 33B(1) reads as follows:

"Subject to this Act and section 33A, an award, decision or order of the Court under this Act (including the decision of the Court whether to grant or not to grant an application under subsection 33A(1) shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed or called in question in any court."

Andrew who is not happy with an award given to him by the industrial court is now seeking your views on the possibility of applying for judicial review.

Advise Andrew. Make reference to the necessary judicial decisions in relation to ouster clauses.

(Total: 25 marks)

Continued...

QUESTION 4

Lily is of the opinion that a public authority has failed to perform some functions that the authority is statutorily bound to perform.

Lily is also unhappy with some decisions of the same authority. She feels that these decisions made were beyond the powers granted upon the authority and it is a clear abuse of power by the authority.

Lily is now consulting you on the possible remedies available to an aggrieved party under administrative law.

Advise Lily with reference to the necessary case laws and statutory provisions.

(Total: 25 marks)

QUESTION 5

The Human Rights Commission of Malaysia (SUHAKAM) was established by the Parliament under the Human Rights Commission of Malaysia Act 1999.

Explain the role of SUHAKAM in upholding human rights and give your opinion as to whether SUHAKAM is effective in playing this role.

(Total: 25 marks)

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